

REMARKS

In order to remove an issue from Appeal, claim 1 of October 15, 2002, is re-presented to remove to the rejection under 35 USC 112.

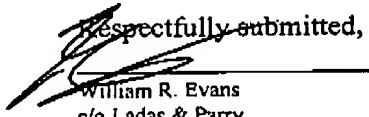
In order to remove another issue from Appeal, the new objection to claim 11 in the form it entered US prosecution in 1999 is traversed by a broadening amendment that, therefore, does not invoke any present Festo decision.

The rejection under 35 USC 102 from the cited Naumann patent is traversed by the claimed extinguishing medium source consisting essentially of a long tube. Only the Action finds 13 in the patent a tube system. The patent calls it a container (see column 1, line 63, for example) and it looks like a container to the applicant. Therefore, the conversion of the container disclosed in the patent into the tube system of the Action must be based on facts known only to an employee of the Patent Office and an affidavit of such employee is now called for under 37 CFR 104(d)(2) for rebuttal on Appeal.

The rejection of independent claims 1, 13, and 14 under 35 USC 103 for obviousness from the cited Diquattro and Lockwood patents is traversed because neither alone or in combination discloses or suggests a liquid source consisting essentially of a long tube., Diquattro discloses extinguishant tanks 16a, 16b, 16c. Lockwood discloses extinguishant bottle 9. Tanks and bottles are not tubes, especially when used in combination with distinguished tubes as in these patents, whereby the rejection should be withdrawn for Appeal.

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,


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